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Technology Center 2100

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In re Application of: Kaply, et al.)
Application No. 09/884,493) DECISION ON PETITION TO
Attorney Docket No. AUS920010544US1) WITHDRAW HOLDING OF
Filed: June 18, 2001) ABANDONMENT UNDER 37 CFR
For: METHOD AND APPARATUS FOR) §1.181
REMOVING CONFIDENTIAL)
INFORMATION FROM A HISTORY)

This is a decision on the petition to withdraw the holding of abandonment, under 37 CFR §1.181, filed on August 12, 2005, for failure to receive the final Office action mailed October 6, 2004.

The final Office action, mailed October 6, 2004, set a three-month shortened statutory period for response. However, on October 19, 2004, the final Office action of October 6, 2004 was returned to the Office undelivered. This acts as *prima facie* evidence that Applicant did not receive the Office action. Accordingly, the Office remailed the final Office action to Applicant on August 18, 2005, restarting the shortened statutory period for response with the remailing.

In response to the August 18, 2005 (remailed) final Office action, Applicant filed a supplemental IDS on August 22, 2005, a Notice of Appeal on September 8, 2005 and an Appeal Brief on November 8, 2005.

Since it is evident from the record as a whole that Applicant has received the latest Office action and responded thereto, the petition is **DISMISSED as MOOT.**

As a courtesy, Applicant should be made aware of a discrepancy between the correspondence address of record i.e. "P.O. Box 802334" found in the original declaration and the address provided with the instant petition i.e. "P.O. Box 802333".

The application will be forwarded to the examiner for prompt action on the merits, i.e. consideration of the Appeal Brief filed November 8, 2005.

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